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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ALEX CHEUCK KIN YAN,
Defendant.

No. CR 08-0828-MHP

**STIPULATION AND
~~PROPOSED~~ ORDER TO EXCLUDE
TIME**

The parties in the above-titled case appeared before the Court for a status conference on December 8, 2008. For the following reasons and the reasons set forth in open court, the parties agree and stipulate that time is properly excluded under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(iv) from December 8, 2008 to January 5, 2009. The parties agree that the continuance from December 8, 2008 to January 5, 2009 is necessary under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), to allow defense counsel reasonable time for effective preparation for the above-titled case. Defense attorney needs the time to review discovery, investigate the case, and speak with the defendant. The parties agree that the ends of justice are served by granting the requested short continuance, and the requested continuance outweighs the best interest of the public and the defendant in a speedy trial, taking into account

1 the exercise of due diligence.

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3 DATED: December 17, 2008

/s/
CHRISTINA HUA
Assistant United States Attorney

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7 DATED: December 18, 2008

/s/
RITA BOSWORTH
Counsel for Alex Cheuck Kin Yan

8
9 ORDER

10 For the foregoing reasons, the Court HEREBY ORDERS that the period between December
11 8, 2008 to January 5, 2009 be excluded from the speedy trial calculation under Title 18, United
12 States Code, Sections 3161(h)(8)(A) and (h)(B)(iv). The Court finds that the failure to grant the
13 requested continuance would unreasonably deny defense counsel the reasonable time necessary
14 for effective preparation, particularly given that defense counsel requires time to review
15 discovery, meet with the defendant, and investigate the case. The Court finds that the ends of
16 justice served by granting the requested continuance outweigh the best interest of the public and
17 the defendant in a speedy trial and in the prompt disposition of criminal cases.

18 IT IS SO ORDERED.

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20 DATED: 12/22/2008

